

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.104

CR No.8539 of 2016
DECIDED ON: May 02, 2017

RAM SINGH (DECEASED) THROUGH HIS LRS

..PETITIONER

VERSUS

HARDIAL SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sunil Kumar Dhanda, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

By virtue of the instant revision petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside the order dated October 29, 2016 (Annexure P-3) passed by learned Additional Civil Judge (Sr. Dvin.), Talwandi Sabo, vide which an application filed for additional evidence seeking permission to examine the fingerprint and handwriting expert has been dismissed.

2. Undisputably, the petitioner has closed the evidence before the trial court after examining the witness of the pronote and receipt dated October 27, 2012, which is the foundation of the suit for recovery filed by him and to rebut the fingerprints & handwriting expert particularly with regard to the date of execution of the pronote and receipt in question. It is

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well settled proposition of law that the handwriting expert can only be rebutted by way of examining expert witness and in such circumstances, this court is of the considered view that an opportunity should have been afforded to the petitioner/plaintiff to examine the expert to rebut the record submitted by the respondent/defendant. The respondent/defendant is not going to suffer any irreparable loss or is being prejudiced, in case, the petitioner/plaintiff is allowed to examine the expert witness. Rather, this court is also of the considered view that the examination of the handwriting expert is essential for proper and affecting adjudication of the matter in controversy. Accordingly, the instant revision petition is allowed, whereby the impugned order dated October 29, 2016 is set aside and trial court is directed to afford an ample opportunity to the petitioner/plaintiff to examine the expert witness in rebuttal evidence and then to proceed with the matter for its decision, in accordance with law.

May 02, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No